



State of Ohio Environmental Protection Agency

Southeast District Office

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Columbus, OH 43138

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Bob Taft, Governor
Christopher Jones, Director

September 19, 2001

RE: BELMONT COUNTY
WPS-MARTINS FERRY
RCRA-LQG
OHD010448231

Cert. Mail: 7099 3220 0009 5167 5889

Mr. Harry Page
Vice President
Engineering, Technology and Metallurgy
Wheeling Pittsburgh Steel Corporation
1134 Market Street
Wheeling, West Virginia 26003

Dear Sir:

On June 8 to 11, 1999, Ohio EPA and USEPA conducted a multi-media compliance inspection of Wheeling Pittsburgh Steel Corporation's (WPSC) Martins Ferry Plant. The inspection was conducted to determine WPSC's compliance with Ohio's hazardous waste laws and regulations, as found in the Ohio Revised Code and Ohio Administrative Code (ORC and OAC, respectively). Based on the information provided and observations made during the inspection, Ohio EPA sent a Notice of Violation (NOV) to WPSC on August 26, 1999. Ohio EPA received WPSC's response on December 13, 1999. A second NOV was issued on June 30, 2000. A partial response, pertaining to the ARCO scrubber waste was received on December 4, 2000. A third NOV was issued March 19, 2001, and the response to the third NOV was received on April 23, 2001. **The fourth NOV was sent on August 2, 2001, to date, no response has been received.** If an appropriate response is not received within 15 days, this office will seek escalated enforcement action for these violations.

WPSC remains in violation of the following laws and regulations:

1. **Personnel training**, OAC Rule 3745-65-16(A)(2)&(3): This program...shall include instruction...including, but not limited to, contingency plan implementation. (B) Facility personnel shall successfully complete the training program within six months after date of employment or assignment to the facility, whichever is later. (D) The owner/operator shall maintain the following training documents and records at the facility: job title and the employee's name for each position related to hazardous waste management; written job description for each position; a written description of type and amount of both introductory and continuing training that will be given each person filling a position; and records demonstrating that the training required under this rule has been given to, and completed by, facility personnel.

- A. WPSC's December 1999 response provided some job titles/descriptions for some personnel at this plant. However, no job title/description was provided for the following personnel whose duties include those related to waste management activities or to actions taken during emergencies (such as releases/implementation of the contingency plan): the plant's environmental coordinator, other plant management personnel, personnel who complete manifests and LDR forms and plant guards. Additionally, part D of this rule requires WPSC to maintain documents that provide the employee's name for each position. A list, which is updated as needed, of these positions and the names of the employees who fill them would adequately meet this portion of these requirements. The April 2001 response did not address this requirement.
 - B. No documentation has been provided which indicates that WPSC maintains a written description of the type and amount of introductory and continuing training given to each person filling a position, who is required to receive this training under part D(1) of this rule. The December 1999 and April 2001 responses did not address this requirement. A list, which is updated yearly, or as needed, which lists the type of training provided to the affected employees (whether introductory or annual refresher) is sufficient to demonstrate compliance with this portion of this rule.
 - C. WPSC has not provided documentation which indicates that employees, either new employees or ones who have recently been assigned to positions which are required to receive this training, have received this training prior to working in unsupervised positions. The December 1999 and April 2001 responses did not address this requirement. The documentation cited in B, above.
 - D. WPSC has not adequately demonstrated that the annual training provides facility-specific information, including contingency plan implementation, emergency procedures, emergency equipment and systems. This information must be included in the training program, as required in parts (A)(2) & (A)(3) of this rule. The December 1999 and April 2001 responses did not address this requirement. An outline or summary of the training that indicates that the required information was provided to employees would be sufficient to demonstrate compliance with this portion of this rule.
2. **Purpose and implementation of contingency plan**, OAC Rule 3745-65-51: The plan shall be designed to minimize hazards to human health or the environment from fires, explosions or any unplanned release of hazardous waste.

The December 1999 response states that mercury wastes are managed as a universal waste and therefore do not need to be addressed in the plan. The universal waste rule applies only to mercury-containing thermostats. Does this facility generate any mercury waste from any other sources? If so, emergency procedures and equipment for spills of waste mercury must be addressed in the plan. The April 2000 response did not specifically address this violation.

3. **Content of contingency plan**, OAC Rule 3745-65-52(E): The contingency plan shall include a list of all emergency equipment at the facility, including, but not limited to; fire extinguishing systems and spill control equipment. In addition, the contingency plan shall include the location and physical description of each item on the list and a brief outline of its capabilities.

The plan does not list all emergency equipment in the areas of the plant where hazardous wastes are generated or accumulated, especially PPE, spill control equipment/material and neutralizing materials. The December 1999 response states that misuse of floor dry has caused quality problems; therefore, access to these materials has been restricted. WPSC could use alternative spill control materials such as fabric adsorbent that would not create quality problems, not restrict access to spill control materials which may be needed in an emergency. All emergency equipment must be readily available at all times. Compliance will be demonstrated once WPSC revises this plan accordingly. The April 2000 response states that these concerns will be addressed in a revised plan that is planned to be completed by June 30, 2001. This violation will remain until a revised copy that properly addresses this issue is received by this office.

4. **Maintenance and operation of facility**, OAC Rule 3745-65-31: Facilities shall be maintained and operated to minimize the possibility of a fire, explosion or any release of hazardous waste constituents to air, soil or surface water.

WPSC had accumulated at least five different wastes in a remote portion of the facility, north of the Plant #1 building, at the time of the June 1999 inspection. These wastes had not been evaluated, labeled, dated or been placed into proper containers. In response to Ohio EPA's concerns voiced during the June 1999 inspection, WPSC sampled the wastes. One waste, from the former ARCO scrubber system was determined to be a D008 waste. **WPSC placed this waste in a rolloff box and then continued to illegally store this waste in this area for another 24 months!** Similar violations regarding hazardous waste storage were discovered during the September 1994 inspection. Several unidentified wastes, including at least 4 drums of hazardous waste, were stored in this same area for an unknown time period. WPSC's December 1994 response stated that a guard is used to control access to this area and that "the plant environmental contact" is responsible for materials placed in this area. The statement in the April 2001 response, that "plant personnel have been reminded to prevent exposure of waste materials to the environment" is not adequate to abate this

violation. Based on the violations cited in the last two hazardous waste inspections, it is obvious that the controls WPSC have used to identify, evaluate and manage wastes at this plant are inadequate. This violation will be abated once WPSC adequately demonstrates that steps have been taken to prevent or minimize similar improper waste management at this facility. Compliance with this rule will be demonstrated when WPSC provides documentation to this office which indicates that this plant has implemented procedures for properly identifying, evaluating and managing all wastes that are generated on-site and for decontaminating tanks or other equipment which may contain hazardous wastes before they are removed from the plant.

GENERAL COMMENT

1. On October 20, 1999, WPSC reported 58 ug/l of lead in the effluent from the waste water treatment plant (WWTP). On average, WPSC records about .5 to 2.38 ug/l of lead in this effluent. The April 2001 response did not address the question regarding the source, or potential source, of the high level of lead at the WWTP on this date. Please provide all relevant information on potential sources and any actions taken to prevent a similar event in the future.

Failure to list specific deficiencies or violations in this letter does not relieve WPSC from the responsibility of complying with all applicable regulations. This letter does not relieve WPSC from liability for any past or present violations of the State's hazardous waste laws and regulations.

The above information is to be provided to this office within 15 days of the date of this letter. Should you have any questions concerning the above, please call me at this office.

Sincerely,



Richard Stewart
District Representative
Division of Hazardous Waste Management

RS/lp

cc: Bud Smith, WPSC-Wheeling
Todd Koget, WPSC-Steubenville South
Tammy McConnell, DHWM, CO
Jeanette Smith, DHWM-CO
Gregory Poulos, AGO
Robert D. Smith, USEPA Region V